IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Crl.MC.No. 951 of 2006(D)

(C.R. NO. 68/2004 OF THE EXCISE RANGE OFFICE, THIRUVANANTHAPURAM)
.....

PETITIONER/ACCUSED NO.2:

SUDHEESH KUMAR, AGED 36 YEARS,
S/O.DIVAKARAN, S.R.K. VILASAM, PARASUVAKKAL P.O.,
NEYYATTINKARA, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.C.THOMAS.

RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
THIRUVANANTHAPURAM BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZER.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 20/03/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.951 of 2006

Dated this the 20th day of March, 2007

ORDER

The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni and another** [2007(1) KLJ (S.C) 97], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol exceeds the permissible figure cannot be sustained. This Crl.M.C is, in these circumstances, allowed. All proceedings in pursuance of C.R. No.68 of 2004 of Excise Range Office, Thiruvananthapuram against the petitioner are hereby quashed.

(R.BASANT, JUDGE)

rtr/-